

United States District Court
for the
Eastern District of Washington

FILED IN THE
 U.S. DISTRICT COURT
 EASTERN DISTRICT OF WASHINGTON

Feb 12, 2016

SEAN F. MCVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Leon Ernie Heemsah

Case Number: 0980 2:13CR02130-WFN-1

Address of Offender: Unknown

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: May 19, 2014

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 30 months; TSR - 36 months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Thomas J. Hanlon Date Supervision Commenced: January 28, 2016

Defense Attorney: Federal Defenders Office Date Supervision Expires: January 27, 2019

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1 **Special Condition # 21:** You shall reside in a residential reentry center (RRC) for a period of up to 180 days. Your participation in the programs offered by the RRC are limited to employment, education, treatment and religious services at the direction of your supervising officer. You shall abide by the rules and requirements of the facility.

Supporting Evidence: On February 10, 2016, the U.S. Probation Office in Spokane, Washington, received notification from the Spokane Residential Reentry Center (RRC), and from Mr. Heemsah, that he had absconded from the RRC. According to the incident report later provided by the Bureau of Prisons, on February 10, 2016, at approximately 6:40 p.m., Mr. Heemsah was in the hallway when he announced "I am leaving." Mr. Heemsah exited the building, and refused to return or respond when staff requested that he return to the facility.

On February 11, 2016, at 11:38 a.m., the undersigned officer was able to make telephonic contact with Mr. Heemsah. When he was questioned regarding his abscond status, Mr. Heemsah admitted to leaving the facility stating he did not like it there, and he did not get the opportunity to "go out."

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Standard Condition # 3: The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Supporting Evidence: On February 11, 2016, a United States probation officer (USPO) was able to contact Mr. Heemsah through text messaging services, and provide Mr. Heemsah a directive to report to the U.S. Probation Office in an effort to address his noncompliance. The USPO received a return text indicating the offender would report as directed.

On February 11, 2016, at approximately 10:51 a.m., the undersigned officer attempted telephonic contact with Mr. Heemsah, and at 11:38 a.m. Mr. Heemsah returned the undersigned officer's phone call. He was again directed to report to the U.S. Probation Office on that date prior to 1:30 p.m., and Mr. Heemsah agreed to do so.

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Special Condition #19: You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: On February 11, 2016, approximately 1:30 p.m. the undersigned officer received a phone call from Mr. Heemsah who stated "I can't make it." Mr. Heemsah sounded very intoxicated and when questioned if he was OK, Mr. Heemsah responded "no, I'm drunk." Mr. Heemsah was questioned on why he had made the decision to drink, and he stated "I already fucked up." Mr. Heemsah was so unintelligible that the undersigned officer was unable to acquire a possible address for residency from him even when he attempted to provide the address one letter at a time. Mr. Heemsah was again directed to report to the U.S. Probation Office on that date, and after further discussion he agreed to do so. Mr. Heemsah failed to report to the U.S. Probation Office on February 11, 2016, as directed and his current whereabouts are unknown.

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Special Condition # 18: You shall abstain from the use of illegal controlled substances, and shall submit to testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On February 12, 2016, the undersigned officer received notification from Alcohol Drug Education Prevention and Treatment (ADEPT), that Mr. Heemsah failed to report for random urinalysis testing previously scheduled for February 11, 2016.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the offender to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: February 12, 2016

s/ Chris Heinen

Chris Heinen
U.S. Probation Officer

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THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- Other



Signature of Judicial Officer

February 12, 2016

Date